

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, NOVEMBER 19, 2001
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 2:10 p.m. The meeting was recessed by Mayor Murphy at 3:48 p.m. for purposes of a short break. The meeting was reconvened by Mayor Murphy at 3:59 p.m. with Council Member Inzunza not present. The meeting was recessed by Mayor Murphy at 5:10 p.m. for purposes of a short break. The meeting was reconvened by Mayor Murphy at 5:20 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:42 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (rl)

FILE LOCATION: MINUTES

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ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

ITEM-10: INVOCATION

Invocation was given Reverend Mary Katherine Allman of The Bishop's School.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Frye.

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the meetings of:

- 10/15/2001
- 10/16/2001
- 10/16/2001 Special Joint Meeting
- 10/22/2001
- 10/23/2001

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A027-031.)

MOTION BY WEAR TO APPROVE. Second by Inzunza. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-31: Year 2000 Redistricting Commission Day.

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-616) ADOPTED AS RESOLUTION R-295712

Declaring November 19, 2001 to be "Year 2000 Redistricting Commission Day" in San Diego, in appreciation of their exceptional volunteer service to the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A032-207.)

MOTION BY MADAFFER TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-AGENDA COMMENT:

NONE.

COUNCIL COMMENT:

NONE.

CITY MANAGER COMMENT:

NONE.

CITY ATTORNEY COMMENT:

NONE.

* ITEM-50: Citizen Proposal for Modification of San Diego Municipal Code Section 63.20.12, Dogs Prohibited.

(La Jolla, Mission Beach, Ocean Beach, and Pacific Beach Community Areas. Districts-1 and 2.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/29/2001. (Council voted 9-0):

(O-2002-8 Cor. Copy)

ADOPTED AS ORDINANCE O-19008
(NEW SERIES)

Amending Chapter 6, Article 3, of the San Diego Municipal Code by amending Section 63.20.12, relating to Dogs Prohibited, to prohibit dogs, whether leashed or unleashed, to be upon any public beach, any public park adjacent to a public beach, or any sidewalk adjacent to any public beach between the hours of 9:00 a.m. and 6:00 p.m. from April 1 to October 31, and between 9:00 a.m. and 4:00 p.m. from November 1 to March 31, adding a section making an exception for Santa Clara Point, and other appropriate modifications.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-51: Amendments to the Centre City Planned District Ordinance - Cortez Hill Transitional Housing Facility.

(Cortez Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project Area. District-3.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0):

(O-2002-32) ADOPTED AS ORDINANCE O-19009 (NEW SERIES)

Amending Chapter 10, Article 3, Division 19, of the San Diego Municipal Code by amending Section 103.1910(g) to add Subsection 5 relating to the Centre City Planned District.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-52: Scripps Pomerado Rezoning.

(RZ-40-0789. Scripps Miramar Ranch Community Area. District-7.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0):

(O-2002-34) ADOPTED AS ORDINANCE O-19010 (NEW SERIES)

Rezoning 3.66 acres located on the southeast corner of the intersection of Spring Canyon Road, Pomerado Road, and Pomerado Road East, into the RX-1-2 Zone.

FILE LOCATION: PERM-40-0789(65)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-53: Tierra Alta Rezoning.

(RZ-98-0792. Mira Mesa Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/30/2001. (Council voted 9-0.):

(O-2002-37) ADOPTED AS ORDINANCE O-19011 (NEW SERIES)

Rezoning 4.44 acres, located at the northerly terminus of Caminito Rodar north of Calle Cristobal, from the AR-1-1 zone (previously referred to as the A-1-5 zone) to the RS-1-13 zone (previously referred to as the R1-6,000 zone).

FILE LOCATION: PERM-98-0792(65)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-54: State Water Resources Control Board - Low Interest Loan Program Authorization.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/5/2001. (Council voted 9-0):

(O-2002-40) ADOPTED AS ORDINANCE O-19012 (NEW SERIES)

Authorizing and accepting State Revolving Fund Loan Program contracts for the Otay River Pump Station & Conveyance Project and for the Environmental and Technical Services Laboratory Phase I.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-100: Purchase of Fire Apparatus, 100 Feet Aerial Ladders - Award of Contract.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-528) ADOPTED AS RESOLUTION R-295713

Accepting the low bid meeting specifications of Pierce Manufacturing, Inc., and authorizing the City Manager to execute a contract for furnishing Fire Apparatus, 100 Feet Aerial Ladders at a cost of \$752,077.53 each, including sales tax, with payment terms of \$1,700 discount if paid in 20 days, as may be required for a period of one year beginning on date of award, with options to renew the contract for four additional one-year periods, with price escalations not to exceed 3% of prices in effect at the end of each prior contract year;

Authorizing the City Manager to finance this acquisition under the Equipment and Vehicle Lease Program over a period of seven years;

Authorizing the expenditure of an amount estimated not to exceed \$105,000 from Fund No. 100, Department No. 120, Organization No. 2252, Object Account No. 6029, and Job Order No. 005700, for cash payment of sales tax for the contract for the initial order of two units, subject to the issuance of an Auditor's Certificate; and authorizing the City Auditor and Comptroller, upon advice from the department to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed contract is for the purchase of Fire Apparatus, 100 Feet Aerial Ladders for the Fire and Life Safety Services as may be required for a period of one year from date of award of contract, with options to renew the contract for four additional one-year periods, with option period increases not to exceed 3% of the prices in effect at the end of the prior option period. The initial order will be for two units. These units will replace units which no longer meet the department's day to day operational needs. One of the replaced units will be added to the reserve fleet and the other will be placed with the Training Division.

Ten potential bidders were contacted. The bid was advertised in the San Diego Daily Transcript and on the City's web page. Three potential bidders attended the pre-bid conference and one bid was received. It is anticipated that the first unit will be delivered 240 calendar days after the placement of the order and the second unit within 300 calendar days of placement of order.

FISCAL IMPACT:

It is proposed that the acquisition be financed using the City's Equipment and Vehicle Financing Program. For Fiscal Year 2003, the estimated payment for sales tax is \$105,000 (rounded), for Fiscal Year 2004 through Fiscal Year 2010 lease payments of \$241,000 (rounded). Total expenditure is \$1,792,000 (rounded).

Loveland/Baldwin/PK

FILE LOCATION: PURCHASE (55)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-101: Three actions related to the Final Subdivision Map of Pacific Highlands Ranch Unit No. 1.

(Pacific Highlands Ranch Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-627) ADOPTED AS RESOLUTION R-295714

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2002-625) ADOPTED AS RESOLUTION R-295715

Approving the final map.

Subitem-C: (R-2002-626) ADOPTED AS RESOLUTION R-295716

Approving the Acceptance of a Covenant of Easement for Protection of Environmentally Sensitive Lands of Pardee Construction Company, conveying to the City a Covenant of Easement over Lot 101.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 60.188 acre site into 97 lots for residential development, 1 lot for general utility and access easement purposes, 3 building restricted lots and 1 open space lot. It is located northeasterly of El Camino Real and Carmel Valley Road in the Pacific Highlands Ranch Community Plan area.

On January 20, 2000, the Planning Commission of the City of San Diego approved Planning Commission Resolution No. 2907-3-PC for Pacific Highlands Ranch Unit No. 1. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied.

The public improvements required for this subdivision are shown in detail on Drawing No. 30461-1-D through 30461-13-D, filed in the Office of the City Clerk under Micro Number 141.08. An agreement is being entered into and all improvements are to be completed within two years.

The Engineer's estimate for the cost of public improvements is \$1,081,741 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$17,520, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

This subdivision is located in the Pacific Highlands Ranch Community Plan Area, which has a Public Facilities Financing Plan which establishes Development Impact Fees due at building permit issuance.

Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

This project is estimated to generate approximately 970 average daily trips (ADT). 200 of these trips are estimated to occur on the nearby Interstate 5, which has an estimated near-term plus project volume of 261,300 ADT south of State Route 56. Caltrans is planning to widen Interstate 5 to provide ten additional lanes south of SR-56 to be completed by 2004. Pacific Highlands Ranch is required to contribute \$10 million for the widening of SR-56 from 4 to 6 lanes and \$7 million for the construction of I-5/SR-56 northerly connector ramps.

The Covenant of Easement, among other things, provides for the preservation and/or restoration of MHPA acreage within this subdivision. Lot 101, which totals 27.464 acres in size, will ultimately be deeded to the City as open space at a time specified in the covenant.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B,C: SUBD-Pacific Highlands Ranch
Unit #1(40)

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-102: Four actions related to the Final Subdivision Map of Saddle Club Estates.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-429) ADOPTED AS RESOLUTION R-295717

Authorizing a Subdivision Improvement Agreement with Saddle Club Associates, L.P. for the installation and completion of public improvements.

Subitem-B: (R-2002-428) ADOPTED AS RESOLUTION R-295718

Approving the final map.

Subitem-C: (R-2002-430) ADOPTED AS RESOLUTION R-295719

Authorizing a Landscape Maintenance Agreement with Saddle Club Associates, L.P., to assure maintenance of landscaping.

Subitem-D: (R-2002-431) ADOPTED AS RESOLUTION R-295720

Accepting a grant deed of Saddle Club Associates, L.P. granting to the City Lot "J" of Saddleback Club Estates for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 35.415 acre site into 40 lots for residential development, five lots for private streets and five lots for easement purposes. It is located northeasterly of Pomerado Road and Bernardo Trails Drive in the Rancho Bernardo Community Plan area.

On January 11, 1999 the Council of the City of San Diego approved City Council Resolution R-290149 for Saddle Club Estates. The City Engineer has approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing No. 30314-1-D through No. 30314-20-D, filed in the Office of the City Clerk under Micro Number 141.04. All Improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$1,303,741 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$14,720, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments.

Lot "J" is being deeded to the City at no cost. The lot totals 14.778 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. This subdivision is located in the Rancho Bernardo Community Plan area, which is subject to a Development Impact Fee. In addition, Rancho Bernardo has a Special Park Fee to pay for construction of new parks. All fees are due prior to building permit issuance. Subdivider, by letter, has given assurance to the City of San Diego that he/she subscribes to the Affirmative Marketing Program as shown in the "Memorandum of Understanding between the San Diego Building Industry Association and U.S. Department of Housing and Urban Development."

The subdivider is entering into a Landscape Maintenance Agreement, agreeing to maintain all landscaping and appurtenances thereto within the City right-of-way adjacent to this subdivision, until another mechanism is established and assumes maintenance responsibility. Project is estimated to generate approximately 400 average daily trips (ADT). 100 of these trips are estimated to occur on the nearby 1-15, which has an estimated near-term volume of 225,100 ADT south of Rancho Bernardo Road. CalTrans is planning to widen 1-15 by 2 additional lanes to be completed by 2005.

FISCAL IMPACT:

None.

Loveland/Haase/GB

FILE LOCATION: Subitems A,B,C: SUBD-Saddle Club Associates, L.P.(40)
Subitem D: DEED F-9108

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-nay, Mayor Murphy-yea.

* ITEM-103: Drainage Easement Abandonment.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-604) ADOPTED AS RESOLUTION R-295721

Vacating the public service easement located within Lot 9 of Map 14055, as more particularly shown on Drawing No. 19510-B, and described in the legal description marked as Exhibit "A."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a drainage easement in Lot 9 of Map 14055. This property is located in the Otay Mesa Planning area within Council District 8. This abandonment is necessary for the development of the site and the construction of a retaining wall. The applicant granted another drainage easement to the City on September 12, 2001 to replace the easement being vacated. This easement is on private property and the only purpose for this public service easement is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. This easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9104

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-104: Water Easement Abandonment.

(Carmel Mountain Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-628) ADOPTED AS RESOLUTION R-295722

Vacating the water easement in Lots 7 and 10 of Map 12995, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19245-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to abandon a water easement in Lots 7 and 10 of Map 12995. This property is located in the Carmel Mountain Ranch Planning area within Council District 5. The applicant applied for the easement abandonment to provide parking for the office building on this property. There are no water facilities within the easement and the easement is not needed for future construction. This easement is on private property and the only purpose for this public service easement is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. The abandonment of this easement will relieve the City of the responsibility to maintain the easement. The water easement was acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9105

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-105: Water, Sewer and Drainage Easement Abandonment.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-545) ADOPTED AS RESOLUTION R-295723

Vacating the water, sewer and drainage easements in Parcel 8 of Map 13138, as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19349-B marked as Exhibit "B."

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate a water, sewer and drainage easement in Parcel 8 of Map 13138. This property is located in the Carmel Valley Planning area within Council District 1. The applicant wants to develop his property and requested the abandonment of the water, sewer and drainage easements. The applicant will grant another drainage easement to replace the drainage easement being vacated. These easements are on private property and the only purpose for these public service easements is to allow the City staff to construct and maintain facilities within the easement. No rights are granted to the public for this easement. The vacation of the water and sewer easements will relieve the City of the responsibility of maintaining the easements. There are no improvements within the proposed easement abandonment. These easements were acquired at no cost to the City.

City staff recommends approval of the easement abandonment.

Loveland/Haase/AEA

FILE LOCATION: DEED F-9106

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-106: Revisions to City Treasurer's Investment Policy.

(See memorandum from the City Treasurer dated 10/26/2001.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-630) ADOPTED AS RESOLUTION R-295724

Accepting the revised City Treasurer's Investment Policy for the Pooled Investment Fund dated October 2001.

CITY MANAGER SUPPORTING INFORMATION:

Under Section 53646 of the California Government Code, the City Treasurer is required, on an annual basis, to render to the City Council and the City Manager's Investment Advisory Committee a statement of investment policy or any changes to that investment policy to be considered at a public meeting. The Investment Policy has been updated to reflect changes in the California Government Code as a result of the previous legislative sessions. These changes are summarized in Attachment "A". The City Manager's Investment Advisory Committee has reviewed the Investment Policy (Attachment "B") and recommends that the City Council accept the policy.

FISCAL IMPACT:

None.

Frazier/Vattimo/RD

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F242-375.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING POLICY AMENDMENTS AND DIRECTION: THAT THE CITY'S POLICY INCLUDE A PARAGRAPH THAT EXPLICITLY STATES THE CRA INVESTMENT COMMITMENT AS OPPOSED TO REFERENCING THE CODE IN GENERAL;

THE CITY MANAGER SHOULD FIND OUT WHAT COUNCIL HAS ALREADY
PAST FOR BANKS, SAVINGS AND LOANS, AND FOR BONDING COMPANIES
WHO WOULD DO BUSINESS WITH THE CITY OF SAN DIEGO AND THE
COUNTY OF SAN DIEGO AS FAR AS REQUIRING A RE-INVESTMENT
AGREEMENT CONCEPT WITH THEM; THAT WOULD ALSO COVER BONDING
COMPANIES WHO WOULD DO BUSINESS WITH THE CITY;

CITY STAFF SHOULD MEET WITH PEOPLE TO DISCUSS REVERSE RE-
PURCHASE AGREEMENTS, RISKS INVOLVED, MISUNDERSTANDINGS ABOUT
IT AND HOW IT'S BEEN USED BY THE CITY IN THE PAST. Second by Atkins.
Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea,
Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-107: Accepting Grant from the State Victim Compensation and Government Claims
Board for funding the Criminal Restitution Compact Restitution Specialist
position in the City Attorney's Office, Criminal Division.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-588) ADOPTED AS RESOLUTION R-295725

Authorizing the City Attorney to apply for, accept and expend a \$67,030 Grant
from the State Victim Compensation and Government Claims Board (State
Agency) to fund the Criminal Restitution Compact Restitution Specialist position
in the Criminal Division, for a period of July 1, 2001 through June 30, 2002,
under the terms and conditions outlined in the Standard Agreement Number BOC-
1073 between the State Agency and the City Attorney's Office;

Declaring that the City of San Diego agrees to hold the State Agency of the State
of California harmless from any liability arising out of the performance of the
grant agreement, including court actions or damages, and certifies that the City
will not use the grant to supplant local expenditures.

SUPPORTING INFORMATION:

The City Attorney has been notified by the State Board of Control that the City has been awarded a grant in an amount not to exceed \$67,030 to hire a Legal Assistant to perform the duties outlined in the City Attorney Contract. This grant is for the period of July 1, 2001 through June 30, 2002 and is a continuation of a grant authorized and accepted by the City Council on September 12, 2000 by Resolution No. R-293781.

Swett

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F240-241.)

MOTION BY STEVENS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-108: Two actions related to Fay Avenue Realignment - First Amendment to the Agreement.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-605) ADOPTED AS RESOLUTION R-295731

Authorizing the City Manager to execute the First Amendment to the Agreement with the La Jolla High School Facilities Expansion Foundation;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$34,235.22 from Water Fund 41500, CIP-73-277.0, Annual Allocation - Standpipe and Reservoir Rehabilitations, to Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement;

Authorizing the expenditure of an amount not to exceed \$200,000 from Fund 30300, CIP-52-690.0, Fay Avenue Realignment, and an amount not to exceed \$34,235.22 from Water Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, and an amount not to exceed \$5,000 from Sewer Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Mains, for the purpose of additional storm drain, water and sewer construction, engineering, City force work and related City obligations;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-2002-606) ADOPTED AS RESOLUTION R-295732

Certifying that the information contained in the Mitigated Negative Declaration LDR-40-0692, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline Section 15162 would warrant any additional environmental review in connection with the approval of Fay Avenue Realignment - First Amendment to the Agreement;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

On March 27, 2001, the City Council approved (Resolution R-294687) a participation agreement with the La Jolla High School Facilities Foundation for construction of sewer, water, and storm drain facilities associated with the Fay Avenue Realignment project that included City agreement obligations in the amount of \$752,000. Prior to this agreement, large portions of the existing roadway did not meet current standards. For this reason, the plans associated with the agreement called for the upgrade of the road in all locations to meet the latest requirements. During the negotiations for this agreement, the Foundation requested that an additional \$200,000 be allocated to cover these upgrades. Unfortunately, no funding was available at that time (Fiscal Year 2001) to cover these costs. However, in order to avoid disruptions to the adjacent

schools with construction work and assure a fully ADA accessible roadway when the project was completed, the Foundation agreed to the lesser amount with the request that the missing funds be submitted for approval in the upcoming budget. In addition, some minor changes to the sewer and water system were required to meet the conditions encountered during construction. Funds to cover both of these issues were approved as part of the Fiscal Year 2002 Budget Process.

FISCAL IMPACT:

Under this action, the additional agreement costs for the City will be \$219,235.22, bringing the total City participation in this project to \$1,219,185.22 with \$971,235.22 of this amount being for agreement obligations and the remainder for related staff costs. With the approval of the Fiscal Year 2002 Budget, all funds necessary for this action (\$239,235.22) are available in their respective funds with \$200,000 from Fund 30300 ,CIP-52-690.0, Fay Avenue Realignment, \$34,235.22 from Fund 41500, CIP-70-953.0, Torrey Pines Road/La Jolla Boulevard Main Replacement, and \$5,000 from Fund 41506, CIP-44-001.0, Annual Allocation for Sewer Mains.

Loveland/Belock/PKB

Aud. Cert. 2200509.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F236-239.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

* ITEM-109: Non-Motorized Trails Grant Program - Famosa Slough Trail.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-549) ADOPTED AS RESOLUTION R-295728

Authorizing the application for and expenditure of State grant funds for
Non-Motorized Trails for Famosa Slough Trail.

CITY MANAGER SUPPORTING INFORMATION:

This request authorizes the City Manager or his representative to apply for grant funding under the Non-Motorized Trails Grant Program, which provides funding for the development, improvement, restoration and enhancement of trails and associated interpretive facilities. The program's intent is to increase access to public areas and to increase recreational opportunities. This program is administered by the State of California Department of Parks and Recreation. In the fall of 2001, \$1,740,000 is available statewide through a competitive grant program funded by the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 (Park Bond). After reviewing program criteria, Park and Recreation staff identified Famosa Slough Trail as a competitive proposal within the grant guidelines. This site is located in a high density urban area, and provides a natural habitat that is ideal for interpretive and educational purposes. If funded, this new trail will run along the west side of Famosa Slough, from the parking lot at Valeta Street and Famosa Boulevard north to West Point Loma Boulevard. The project will create a safe trail for pedestrians, interpretive panels, a walkway and a small bridge. This project will reroute informal trails farther away from the marsh edge to help protect sensitive habitat. The Friends of Famosa Slough support this proposal.

FISCAL IMPACT:

If the grant is secured, the City of San Diego will receive \$60,200. The City will provide a match of \$11,866 with in-kind work performed by volunteers.

Loveland/McLatchy/HL

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-110: Two actions related to the Construction of El Capitan Boat Launching Facilities - Phase III.

(Lakeside Community Area.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-618 Cor. Copy) CONTINUED TO MONDAY,
NOVEMBER 26, 2001

Amending the Fiscal Year 2002 Capital Improvement Program by increasing CIP-73-318.0, El Capitan Boat Launching Facility - Phase III, by an amount not to exceed \$651,283;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$651,283 from Water Fund 41500, Program 765005, Unallocated Reserve, to Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$651,283 from Water Fund 41500, CIP-73-318.0;

Authorizing the expenditure of an amount not to exceed \$380,161.48 from Water Fund 41500, CIP-73-318.0, for the purpose of providing funds for a Job Order Contract to Phillips National, Inc., Task Order, ECP .01.186704.00;

Approving the plans and specifications accompanying the Task Order for the El Capitan Boat Launching Facility - Phase III.

Subitem-B: (R-2002-619) CONTINUED TO MONDAY, NOVEMBER 26, 2001

Declaring that the information contained in the final document, Mitigated Negative Declaration LDR-96-0115 certified by Resolution R-288762, adopted on December 19, 1996, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the CEQA Guidelines section 15162 would warrant any additional environmental review in connection with the approval of the construction of El Capitan Boat Launching Facilities - Phase III.

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors.

CITY MANAGER SUPPORTING INFORMATION:

The limited boating facilities at El Capitan Reservoir have deteriorated significantly since their original construction in the late 1940's. Pavement has broken from the roadways; slopes have eroded; and existing utilities have become outdated.

In 1982, the City entered into a grant agreement with the State Department of Boating and Waterways for the construction of boating facilities at the Barrett Reservoir. In 1994, due to problems encountered with the original project at that lake, the City Council approved Amendment No. 1 (R-283709) to transfer these grant funds to new projects at Sutherland and El Capitan Reservoirs.

In 1997, a new high water boat launching ramp, additional parking, and slope protection improvements were constructed at El Capitan Reservoir to allow for peak usage, and public access to the lake during periods of high water levels. This phase of the project will provide an eight (8) stall restroom, widen roadways, sidewalks, paving and slope protection improvements, and upgrade utilities, to provide adequate service for the lake's recreational facilities. In March of 1999, the California Department of Boating & Waterways issued a supplemental grant to the City (R-291326) providing most of the funds necessary to construct El Capitan Boat Launching Facilities - Phase III.

FISCAL IMPACT:

The total estimated cost for Phase I, II and III is \$1,616,359; of this amount, \$965,076 has been

previously authorized. The total additional funding required for Phase III construction is \$651,283. Funding is available from Water Fund 41500, Program 765005, Unallocated Reserve. The State Department of Boating and Waterways will reimburse the City, in accordance with the provisions of the grant agreement, up to \$480,000.

With this action, the Water Fund Unallocated Reserve will decrease from \$4,257,371 to \$3,606,088.

Loveland/Belock/AXO

Aud. Cert. 2200484.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: F215-235.)

MOTION BY FRYE TO CONTINUE TO MONDAY, NOVEMBER 26, 2001 FOR FURTHER REVIEW. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-111: San Diego 18 Flow Control Facility - Additional Authorization.

(Mid-City and College Community Areas. Districts-3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-623) ADOPTED AS RESOLUTION R-295729

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$64,583.85 from Water Fund 41500, CIP-73-263.0, Annual Allocation - Water Pump Station Restorations, to Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility, for the construction, operation and maintenance of the San Diego 18 Flow Control Facility;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$64,583.85 from Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility for construction, operation and maintenance of the San Diego 18 Flow Control Facility, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure will be on deposit with the City Treasurer;

Authorizing an increase of an amount not to exceed \$81,583.85 in the total compensation payable for the Participation Agreement with the San Diego County Water Authority under Section E.4.a for a total amount of \$1,754,583.85;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

On September 9, 1996 the City of San Diego entered into an agreement with the San Diego County Water Authority (Authority) for design, construction, and operation of San Diego 18 Flow Control Facility and the inlet and discharge piping (R-287801). The purpose of the construction is to measure the water flow from the Authority's Aqueduct No. 2 into the Alvarado Water Treatment Plant. In this agreement, Section E.4.a., states that if the Authority's costs are greater than the deposits, the City will within sixty (60) days of final receipt, make payment in full to the Authority.

At this time, a final request for payment of \$357,026.28 has been received from the Authority, and the expenditure records have been reviewed for accuracy. Additional funds are needed to satisfy this requirement of the agreement. In addition, if the payment is not received within sixty (60) days, a penalty of 5.758 percent of the unpaid balance will be assessed. This action will allow the transfer of the needed funds to settle the City's obligations under the agreement.

FISCAL IMPACT:

Funding in the amount of \$64,583.85 for the construction, operation and maintenance is available from Water Fund 41500, CIP-75-927.0, San Diego 18 Flow Control Facility.

Loveland/Gardner/RM

Aud. Cert. 2200512.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F206-214.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Atkins. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-112: Annual Contribution to the San Dieguito River Valley Regional Open Space Park Joint Powers Authority Endowment Fund.

(Torrey Pines, Via de la Valle, Fairbanks CC, Black Mountain Ranch, San Pasqual, North City Future Urbanizing Community Areas. Districts-1 and 5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-601 Cor. Copy) ADOPTED AS RESOLUTION R-295730

Authorizing a contribution to the San Dieguito River Regional Open Space Park JPA endowment fund, for building a permanent endowment to cover future park maintenance and operation costs;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$25,714 from the Water Fund Unallocated Reserve (Org. No. 5005, Obj. Acct. 4903) to Water Operations Program (Org., No. 504, Job Order No. 31795) for the endowment fund expenditure;

Authorizing the City Manager to make an endowment contribution totaling \$25,714 to the San Dieguito River Valley Regional Open Space Park JPA endowment fund.

CITY MANAGER SUPPORTING INFORMATION:

In June 1989, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority

(JPA) was created as an independent agency by the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego and Solana Beach. The JPA was designed to provide a coordinated program to create, preserve and enhance the San Dieguito River Valley Regional Open Space Park for the benefit of the public.

The JPA is governed by a 9-member Board, which includes City of San Diego Councilmembers Scott Peters and Brian Maienschein.

The City of San Diego currently supports the River Park through its annual assessed membership contribution. This contribution assists in funding the JPA's objectives for the planning, acquisition, implementation and management of the San Dieguito River Valley Open Space Park. The FY 2001/02 assessed membership contribution for the City of San Diego is \$162,524.

The JPA is continuing to transition away from being a predominately planning based organization towards an organization responsible for the operation and maintenance of the River Park. Recognizing the need for self-sufficiency in the coming years, the JPA Board has established an endowment fund that will work to accomplish this purpose. This endowment fund would enable the JPA, over the next twenty years, to begin to generate sufficient revenue intended to cover additional operation and maintenance costs of the completed park, without increasing the current agency contribution level. Through use of an endowment fund, the JPA envisions building "a permanent endowment of a sufficient magnitude" that will produce the interest necessary to pay for annual recurring operations cost.

The endowment fund goal is \$11.5 million. The assumption was made that in order to reach this goal, \$200,000 would need to be contributed annually. The JPA's strategy is to secure annual endowment contributions totaling \$100,000 from member agencies and seek matching endowment contributions each year from private corporations. The City's contribution to the endowment fund is based upon a similar calculation used to determine the member agency contributions to the JPA. A percentage allocation is calculated using a formula that combines population plus the acreage in the planning area. The City's annual proportional contribution to the endowment fund is anticipated to be \$25,714.

FISCAL IMPACT:

The FY 2001/02 contribution is \$25,714 and will be funded from the Water Fund Unallocated Reserve. The subsequent endowment contribution expenditure will be budgeted and anticipated until FY 2021. The transfer of \$25,714 from the Water Fund Unallocated Reserve will result in a fund balance of \$4,231,657.

Loveland/Gardner/CNS

Aud. Cert. 2200458.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-113: Settlement of the Personal Injury Claim of Teresa Messina.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-634) ADOPTED AS RESOLUTION R-295726

A Resolution approved by the City Council in Closed Session on Tuesday, October 30, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor Murphy-yea.

Authorizing the City Manager to pay the total sum of \$30,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Teresa Messina (Superior Court Case No. 99cv0084L(LAB), v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$30,000 made payable to Teresa Messina and her attorney, Steven M. Boudreau, in full settlement of the lawsuit and all claims.

Declaring that said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claim of Teresa Messina, against the City of San Diego, its agents and employees, as a result of the incident which occurred on January 16, 1998.

Lexin/Oliva/AWR

Aud. Cert. 2200462.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-114: Two actions related to Approval of Suggestion Awards.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-578) ADOPTED AS RESOLUTION R-295727

Authorizing Suggestion Awards to the following employees:

Lee Fertig - Fire and Safety Services - \$80.

Bruce Hoover - Metropolitan Wastewater Department - \$50.02.

Subitem-B: (R-2002-579) ADOPTED AS RESOLUTION R-295733

Authorizing Suggestion Award to the following employee:

Maria Romero - Auditors - \$589.80.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-115: Captain Walter 'Wally' Schirra Day.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-632) ADOPTED AS RESOLUTION R-295734

Congratulating Captain Wally Schirra on his inspiring achievements and contributions to the community;

Proclaiming November 6, 2001 to be "Captain Walter 'Wally' Schirra Day" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-116: Excusing Councilmember Atkins from Attending the LU&H Committee Meeting of November 14, 2001.

COUNCILMEMBER ATKINS' RECOMMENDATION:

Adopt the following resolution:

(R-2002-621) ADOPTED AS RESOLUTION R-295735

Excusing Councilmember Toni Atkins from attending the Committee on Land Use and Housing Committee meeting of November 14, 2001, due to her attendance at the 17th Annual INGLO Conference in Washington, D.C.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- * ITEM-117: Lake Murray Tennis Club Day.

COUNCILMEMBER MADAFFER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-624) ADOPTED AS RESOLUTION R-295736

Recognizing the Lake Murray Tennis Club for its commitment to the City of San Diego, and proclaiming November 10, 2001 to be "Lake Murray Tennis Club Day" in San Diego.

SUPPORTING INFORMATION:

Commending the Lake Murray Tennis Club for their exceptional dedication to the communities

of San Diego and for being recognized by the United States Tennis Association as one of the outstanding public tennis facilities for 2001 by proclaiming November 10, 2001 to be "Lake Murray Tennis Club Day" in San Diego.

Agey

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-118: Appointments to the Board of Library Commissioners.

(See memorandum from Mayor Murphy dated 10/26/2001 with resumes attached.)

MAYOR MURPHY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-638) ADOPTED AS RESOLUTION R-295737

Council confirmation of the following appointments by the Mayor to serve as members of the Board of Library Commissioners, for terms ending March 1, 2003:

REAPPOINTMENT

Mary Lindenstein Walshok

APPOINTMENTS

Judy McCarty (replacing Charles Elster, whose term has expired)

Mary Anne Baca Pintar (replacing Khalada Salaam, whose term has expired)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-331; A318-381.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-119: State Route 15 Bikeway - Consultant Agreement with Tetra Tech, Inc.

(City Heights, Normal Heights, Kensington and Mission Valley Community Areas. Districts-3 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-611) ADOPTED AS RESOLUTION R-295738

Authorizing the City Manager to enter into an agreement with Tetra Tech, Inc., for consultant services in the amount of \$369,301;

Authorizing the expenditure of an amount not to exceed \$369,301 from Fund 38687, CIP-58-127.0.

CITY MANAGER SUPPORTING INFORMATION:

The State Route 15 Bikeway will generally consist of Class 1 and 3 Bikepaths. It will abut State Route 15 and extend between Landis Street and Camino Del Rio South, thereby connecting District 3 communities to the planned Mission Valley Bicycle circulation network. Previous Council action (Resolution R-294734) authorized the acceptance of \$2,213,250 in CMAQ Funds and \$268,750 in Prop A (Bikeway) Funds, for a total of \$2,500,000.

The proposed consultant was selected in accordance with Council Policy 330-7. Five firms were certified by the EOCP Consultant Selection Coordinator and interviews were conducted by the Transportation and Drainage Design Division. Tetra Tech, Inc. was selected as the recommended consultant for this project.

FISCAL IMPACT:

Funding in the amount of \$369,301 is available in CIP-58-127.0 State Route 15 Bikeway. This project is partially funded with CMAQ grant and Prop A Bikeway Funds.

Belock/Boekamp/HR

Aud. Cert. 2200452.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-120: Reauthorization of the San Diego Traffic Offenders Program (STOP) and \$72 Unlicensed Driver Vehicle Impound Fee.

(See City Manager Report CMR-01-185.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-326) ADOPTED AS RESOLUTION R-295739

Authorizing the San Diego Traffic Offenders Program (STOP) to continue operating for another five years, until September 16, 2006, with periodic status reports to the Public Safety and Neighborhood Services Committee;

Continuing the \$72 Unlicensed Driver Vehicle Impound Fee for the purpose of recovering costs of Police Department vehicle impound expenses, and that this fee shall be over and above any current or future administrative impound fees, such as the \$53 Negligent Impound Fee, levied by the City on vehicle impounds, and over and above any other fees or costs associated with towing, storage, and other incidental costs related to vehicle impounds;

Declaring that the \$72 Unlicensed Driver Vehicle Impound Fee be levied upon each vehicle impound, where the vehicle is impounded for driver's license offenses, where the driver is unlicensed or whose license has been suspended or revoked, except in the following circumstances:

Impounded vehicles, which at the time of impound were reasonably claimed or believed to have been stolen from the legal owner, shall be exempt from the \$72 Unlicensed Driver Vehicle Impound Fee; and

Police Department officials shall have the authority to waive, forego, or excuse the \$72 Unlicensed Driver Vehicle Impound Fee on a case-by-case basis in which situations may arise that warrant the exercise of a prudent discretion in levying this fee.

Declaring that all Unlicensed Driver Vehicle Impound Fee funds collected under the authority of this resolution shall be used for STOP and related traffic safety programs;

Authorizing the City Manager, by and through the Chief of Police, to execute all aspects of the \$72 Unlicensed Driver Vehicle Impound Fee for collection and program operation, including any amendments, and to certify that the City will comply with all applicable statutory or regulatory requirements related to the program;

Authorizing the City Clerk to include the \$72 Unlicensed Driver Vehicle Impound Fee in the Ratebook of City Fees and Charges.

**PUBLIC SAFETY AND NEIGHBORHOOD SERVICES COMMITTEE'S
RECOMMENDATION:**

On 9/26/2001, PS&NS voted 5-0 to approve the City Manager's recommendation (CMR-01-

185) approving the resolution reauthorizing the STOP program for another five years, requiring periodic reports to the Public Safety and Neighborhood Services Committee and reauthorizing the current \$72 Unlicensed Driver Vehicle Impound Fee. (Councilmembers Atkins, Stevens, Maienschein, Frye, and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

On September 26, 2001, the Public Safety and Neighborhood Services Committee unanimously approved the Manager's recommendation that the City Council approve the resolution reauthorizing the San Diego Traffic Offenders Program (STOP) and reauthorizing a \$72 Unlicensed Driver Vehicle Impound Fee for another five years.

Uberuaga/Bejarano/CT

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F147-205.)

MOTION BY WEAR TO ADOPT. Second by Stevens. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-121: Sewer and Water Group 658 - Contract Change Order No. 3.

(See Frank Belock Jr.'s 9/12/2001 memo.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-608) ADOPTED AS RESOLUTION R-295740

Approving Change Order No. 3 dated August 2, 2001, issued in connection with the contract between the City of San Diego and Dietrich Corporation, amounting to a net increase in the contract price of \$41,501;

Authorizing the expenditure of an amount not to exceed \$57,662 from Water Fund 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 9/19/2001, NR&C voted 5-0 to approve. (Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

CITY MANAGER SUPPORTING INFORMATION:

Sewer & Water Group 658 is part of the City's ongoing Concrete Sewer and Cast Iron Water Main Replacement Program. This project was awarded to Dietrich Corporation and involves the replacement of approximately 9,173 lineal feet of sewer mains and 868 lineal feet of water mains. The construction of this project is currently more than 95% completed.

During construction it was found that a 6-inch cast iron water main and the water services in Alley Block 44 were in a corroded condition. The Project Manager requested that 490 linear feet of water main be replaced with this project. The water services were also replaced.

FISCAL IMPACT:

Funding of \$57,662 is available in Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, for this request.

Loveland/Belock/HR

Aud. Cert. 2200455.

WWF-02-551.

FILE LOCATION: CONT-Dietrich Corporation

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-122: Process for Drafting Request for Funding from State Budget for Park Projects.

(See City Manager Report CMR-01-231.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-1780) ADOPTED AS RESOLUTION R-295741

Adopting the process for drafting requests for state funding for park improvements projects, including identifying and selecting projects, and authorizing the City Manager to implement the process.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/31/2001, NR&C voted 5-0 to approve the City Manager's recommendation.
(Councilmembers Peters, Wear, Frye, Madaffer and Inzunza voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-123: Two actions related to Advertising for Bids for Water and Sewer Group Job 516.

(See Frank Belock, Jr.'s 7/12/2001 memo. Ocean Beach Community Area.
District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-492) ADOPTED AS RESOLUTION R-295742

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Water and Sewer Group Job 516 on Work Order No. 172451/181691;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible and reliable bidder, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that funds necessary for expenditure under established contract funding phases are, or will be, on deposit in the City Treasury;

Authorizing the use of City Forces on the Project in an amount not to exceed \$328,031 from Water Fund 41500, CIP-73-083.0, for the purpose of temporarily cutting and plugging, making all live connections to the water main, and installing valves and crosses;

Authorizing the expenditure of an amount not to exceed \$573,884 from Sewer Fund No. 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, and an amount not to exceed \$2,855,007 from Water Fund No. 41500, CIP-73-083.0, Annual Allocation - Water Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02035C)

Subitem-B: (R-2002-493) ADOPTED AS RESOLUTION R-295743

Certifying that Negative Declaration LDR-40-0998 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines, and that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and the information contained in the report has been reviewed and considered by Council;

Approving the LDR Negative Declaration.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve and to inform the Ocean Beach community on all pending projects and time lines. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Group Job 516 is part of a program established by the City of San Diego mandating the replacement of all cast iron water mains and concrete sewer mains currently in service. The existing mains were constructed as early as 1920 and are approaching the end of their useful life. Replacement of these deteriorated and under-sized mains will continue to provide the community with a safe and reliable infrastructure. This project is within the Ocean Beach community area and involves the replacement and rehabilitation of approximately 14,252 linear feet of water main and 2,468 linear feet of sewer main. Portions of the traffic control plans will be included with the project plans, however, the majority will be submitted by the Contractor as shop drawings.

A summer construction moratorium shall be observed on Sunset Cliffs Boulevard, and all streets west of Sunset Cliffs Boulevard. No work shall take place from Memorial Day (May 27, 2002) to Labor Day (September 9, 2002). The Contractor shall completely demobilize all construction related activity, equipment and materials within limits prior to the beginning of the moratorium period at no additional cost to the City. The job site shall be fully restored and cleaned prior to the moratorium, including, but not limited to, sidewalks, streets, and paving.

FISCAL IMPACT:

The total estimated cost of this project is \$3,428,891. Funds of \$2,855,007 are available in Water Fund 41500, CIP-73-803.0, Annual Allocation - Water Main Replacement and \$573,884 in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. Included in the total estimate is \$328,031 for City Forces to make temporary cut and plug, make live connections to water mains, install crosses, tees and valves, and perform operational checks. Please note that this project will be phase funded.

Loveland/Belock/HR

WWF-01-538.

FILE LOCATION: Subitems A,B: CONT - C & L Construction, Inc.; W.O.
172451/181691

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Five actions related to an Initiative Petition for the March 5, 2002 Ballot Amending the City Charter to Add Section 76.2 Titled "General Taxes" (Manchester Initiative).

(Continued from the meeting of November 5, 2001, Item 211, at the request of Councilmember Peters, to allow the Rules Committee to consider the initiative on Wednesday, November 7, 2001.)

(See City Manager Report CMR-01-240; and Scott Barnett's 11/7/2001 letter.)

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-46) ADOPTED AS ORDINANCE O-19013 (NEW SERIES)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego at the Special Municipal Election consolidated with the Statewide Primary Election to be held on March 5, 2002, one proposition relating to an initiative petition amending the City Charter by adding Section 76.2 titled "General Taxes."

Subitem-B: DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: NO DIRECTION GIVEN

In the matter of assigning authorship of the ballot argument.

FILE LOCATION: Subitems A,B,C,D,E: MEET

COUNCIL ACTION: (Tape location: B154-307.)

MOTION BY FRYE TO ADOPT WITH THE FOLLOWING DIRECTION:
DIRECTING THE CITY ATTORNEY TO PREPARE A TITLE AND SUMMARY
AND IMPARTIAL ANALYSIS AND THE MANAGER TO PREPARE A FISCAL
IMPACT ANALYSIS. Second by Maienschein. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-nay, Maienschein-yea, Frye-yea, Madaffer-not
present, Inzunza-nay, Mayor Murphy-yea.

ITEM-151: Five actions related to a Ballot Proposal for March 5, 2002 Amending the City
Charter by Adding Section 226 relating to Super Majority Vote Requirements.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance in Subitem A; consider Subitems B, C, D and E:

Subitem-A: (O-2002-55 Cor. Copy) ADOPTED AS ORDINANCE O-19014
(NEW SERIES)

Introduction and adoption of an Ordinance submitting to the qualified voters of
the City of San Diego at the Municipal Election consolidated with the Statewide
General Election to be held on March 5, 2002, one proposition amending the City
Charter by adding Section 226 relating to Super Majority Vote Requirements.

Subitem-B: DIRECTION GIVEN

In the matter of directing the City Attorney to prepare a ballot title and summary.

Subitem-C: DIRECTION GIVEN

In the matter of directing the City Attorney to prepare an impartial analysis.

Subitem-D: DIRECTION GIVEN

In the matter of directing the City Manager to prepare a fiscal analysis.

Subitem-E: NO DIRECTION GIVEN

In the matter of assigning authorship of the ballot argument.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 11/7/2001, RULES voted 4-0 to approve the City Manager's recommendation.
(Councilmembers Wear, Atkins, Madaffer and Mayor Murphy voted yea. Councilmember Stevens not present.)

FILE LOCATION: Subitems A,B,C,D,E: MEET

COUNCIL ACTION: (Tape location: B308-C064.)

MOTION BY PETERS TO ADOPT WITH THE FOLLOWING DIRECTION:
DIRECTING THE CITY ATTORNEY TO PREPARE A TITLE AND SUMMARY
AND IMPARTIAL ANALYSIS AND THE MANAGER TO PREPARE A FISCAL
IMPACT ANALYSIS. Second by Frye. Passed by the following vote: Peters-yea,
Wear-yea, Atkins-yea, Stevens-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Inzunza-
yea, Mayor Murphy-yea.

ITEM-152: Social Service Program - Funding Allocation Process Reform.

(See City Manager Report CMR-01-237.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-657) ADOPTED AS RESOLUTION R-295744

Authorizing the City Manager to adopt a formal selection process for the allocation of social service funds as recommended in City Manager's Report CMR-01-237 to the Rules Committee dated October 31, 2001.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 11/7/2001, RULES voted 5-0 to approve City Manager's recommended model option #1. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C065-116.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-153: Sewer Pump Station No. 61 Improvements - Request for Additional Funds.

(Continued from the meeting of 11/5/2001, Item 114, at the request of Councilmember Frye, for further review.)

(See Frank Belock, Jr.'s 5/24/2001 memo; Frequently Asked Questions About Group Jobs. Kearny Mesa Community Area. District-6.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-568) ADOPTED AS RESOLUTION R-295745

Authorizing the City Manager to execute a second amendment to the agreement with Earth Tech, formerly Barrett Consulting Group, for additional engineering services at a cost not to exceed \$36,780;

Authorizing the City Manager to execute Change Order No. 3, amounting to a net increase in the contract price of \$201,132.97 for the construction of Sewer Pump Station 61 Improvements, CIP-46-106.0;

Authorizing the expenditure of an amount not to exceed \$360,425 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Pump Station Restoration, of which \$36,780 is for the Second Amendment, \$2,400 is for Special Concrete Inspection performed by an ICBO certified inspector, \$6,000 is for additional in-house engineering services, \$50,000 is for additional inspection services and \$265,245 is for Change Order No. 3 with AES Construction Group and additional project contingencies for Sewer Pump Station No. 61.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3-0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Council authorized an agreement with Earth Tech, formerly known as Barrett Consulting Group, on January 4, 1993, Document Number RR-281299, to provide engineering services for the upgrade and replacement of Sewer Pump Station No. 61.

This facility is located at 5074 Mercury Street, was built in 1972, and needs to be upgraded with the current design and safety standards.

This project is currently in construction. During the grading operations, contaminated soil and groundwater were discovered. Geotechnical investigations performed by a Geotechnical

Engineering Consultant during the design phase did not reveal any contaminated soil nor indicate a high groundwater table.

There are several possibilities for the unexpected encounter of contaminated soil and groundwater during construction, even though the boring logs taken before did not show evidence of such. One possibility is that the soil is dense and fine grained; thus, the permeability is low and the water does not flow through it fast enough to get collected in the boring logs (test logs). Another possibility is perched groundwater, which means the possibility exists of excessive rainfall after the boring logs were taken which caused the water to infiltrate down stream.

This has created the need for additional engineering services to provide a structural redesign of the pump station.

The amendment to the consultant agreement will accommodate the costs of providing the redesign as well as providing special geotechnical and structural inspection during construction.

The additional funds will also accommodate the additional construction and other inspection costs by City staff incurred as a result of encountering contaminated soil and groundwater.

FISCAL IMPACT:

The estimated cost for this action is \$360,425. Funding for this request will come from Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration. Total cost of the project, including construction, is estimated at \$2,457,660.

Loveland/Belock/HR

Aud. Cert. 2200396.

WWF-01-521.

FILE LOCATION: CONT-AES Construction Group

COUNCIL ACTION: (Tape location: F118-146.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-154: South San Diego Pipeline No. 2 Participation Agreement - Amendment No. 2.

(See memorandum from Larry Gardner dated 10/9/2001. Southeastern San Diego and Otay Mesa/Otay Mesa-Nestor/San Ysidro Community Areas. Districts-4 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-622) ADOPTED AS RESOLUTION R-295746

Authorizing the City Manager to execute a phase funded Second Amendment to the South San Diego Pipeline No. 2 Participation Agreement with Stowe-Passco Development, Inc.;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$2,042,230 from Water Fund 41500, CIP-73-248.0, Pomerado Pipeline No. 2, to Water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$7,473,143 from Water Fund 41500, CIP-73-249.0, for providing funds for the project's construction and related costs provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$150,590 from Southeastern Economic Development Corporation (SEDC) Fund 30244, CIP-52-677.0, for providing funds for the project's construction provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 10/17/2001, NR&C voted 4-0 to approve. (Councilmembers Peters, Frye, Madaffer, and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

Stowe-Passco Development, Inc., a California corporation, is the developer designing and constructing the South San Diego Pipeline No. 2 project and is a partner in the ownership of the Remington Hills development project located in the Otay Mesa area of the City of San Diego. Amendment No. 2 will authorize the expenditure of the unfunded portion of Segment A and the unfunded portion of the Princess Park Pump Station. In addition, it will authorize the expenditure of monies to enhance paving within Reaches G, K, L, & M. It will also authorize the construction funding for Reaches N, R, & S. Lastly, it will authorize the expenditure of construction funding for a section of pipeline along Imperial Avenue associated with the Southeastern Economic Development Corporation's (SEDC) Imperial Marketplace project. On February 25, 1997, June 30, 1997, January 12, 1998, June 29, 1998, and January 19, 1999, the alignment study, Phase 1 design and construction monies, and Phase 2 design and construction monies were approved for this project (Documents, RR-288361, RR-288874, RR-289640, RR-290391, and RR-291188, respectively).

This second water pipeline is needed to provide the South San Diego/Otay Mesa area with a redundant supply of potable water. Currently, the South San Diego/Otay Mesa area is serviced primarily by only one major water pipeline. South San Diego Pipeline No. 2 will construct a new water pipeline of approximately 11.5 miles in length ranging in size from 42-inch, 48-inch, and 54-inch diameters.

The relocation of approximately 463 feet of 30-inch water transmission pipeline along Imperial Avenue is required as part of the underground utility work required for the Imperial Marketplace project. The benefits of adding this work to the South San Diego Pipeline No. 2 Participation Agreement are twofold. First, the current schedule of the Imperial Marketplace project can be maintained, and the construction impacts to the surrounding streets will be minimized by excavating only one time within Imperial Avenue verses two or three times.

The above public water system improvements are necessary and are for the benefit of the City as a whole.

FISCAL IMPACT:

The total authorized to expend is \$7,623,733 of which \$150,590 is available from Fund 30244, CIP-52-677.0, Southeastern Economic Development Corporation and \$7,473,143 is available from Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2.

Loveland/Gardner/LLW

Aud. Certs. 2200513 and 2200515.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F118-146.)

MOTION BY WEAR TO ADOPT. Second by Peters. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Dedicating City-Owned Land as Open Space in Switzer Canyon.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-153) INTRODUCED, TO BE ADOPTED ON MONDAY,
DECEMBER 3, 2001

Introduction of an Ordinance setting aside and dedicating City-owned land,
known as "Switzer Canyon" in the City of San Diego, California.

CITY MANAGER SUPPORTING INFORMATION:

City Charter Section 55 mandates protection of dedicated park, recreation and cemeteries against any use other than for park, recreation and cemetery purposes without a two-thirds vote of the qualified electorate.

Council Policy 700-17, "Policy on Dedication and Designation of Park Lands," mandates that all land acquired for resource-based, population-based park and open space purposes shall be dedicated by ordinance pursuant to Charter Section 55 of the Municipal Code. The Council Policy outlines the process for dedication or designation of park and open space lands, and the criteria by which land should be considered for dedication or designation. Specifically, the following affirmative conditions must exist prior to dedication of open space land:

- 1) The land fits the criteria of a resource-based park; is a complete open space system or sub-system; or a sub-system sufficient to stand on its own;
- 2) The land does not contain areas which are undesirable for park purposes, would be more suitable for other purposes or which could be traded or sold to obtain more desirable park land or to fund park improvements; and
- 3) The deed to the property is free of restrictions which might preclude dedication as park land.

In accordance with Charter Section 55 and Council Policy 700-17, the Park and Recreation Board has reviewed the City's inventory of open space to determine which open space parcels meet the requirements for dedication. The subject parcels meet these requirements and have been recommended by the Park and Recreation Board for dedication. Included are open space parcels never before dedicated or which are additions to existing dedicated open space parks. These parcels are, as follows (see Exhibit 'A'):

Council District 3: Switzer Canyon (Consisting of 25 legal descriptions as defined in the ordinance.)

FISCAL IMPACT:

None. This action is concerned only with dedicating City open space.

Loveland/McLatchy/DVW

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: C117-158.)

MOTION BY ATKINS TO INTRODUCE. Second by Wear. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-201: Sale of Water Department Property to the County Water Authority.

(San Pasqual Valley Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-347 Cor. Copy) ADOPTED AS RESOLUTION R-295747

Declaring that the specified interests of real property owned by the City at Lake Hodges are authorized to be sold by negotiation for the amount of \$107,500;

Declaring that the specific interests of real property owned by the City at San Vicente are authorized to be sold by negotiation for the amount of \$369,000;

Authorizing the City Manager to execute a Grant Deed, granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at Lake Hodges;

Authorizing the City Manager to execute a Grant Deed, granting to the San Diego County Water Authority all of the City's interests in those particular interests of real property at San Vicente;

Declaring that the compensation paid to the City of San Diego for the property interests at Lake Hodges and at San Vicente, in the total amount of \$476,500, shall be deposited into the Water Department Capital Outlay Fund 30246.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Agreement on May 26, 1998 with the San Diego County Water Authority (the Authority) for their Emergency Storage Project at the Water Department's San Vicente Reservoir, Document No. 00-18521-1.

The City also entered into a similar agreement with the Authority for their Emergency Storage Project at the Water Department's Lake Hodges Dam and Reservoir, Document No.00-18521-2. The purpose of the Emergency Storage Project is to expand the San Diego Region's water storage capacity to meet the emergency water needs of the Region in the event of a catastrophic or prolonged interruption of imported water.

Both agreements obligate the City to convey ownership of the lands described in the two Grant Deeds. After the two projects are completed, the City shall purchase from the Authority those lands which will not be necessary for the operation and maintenance of the Authority's facilities. The purchase price per acre shall be the same as the original sale price per acre as shown in the Grant deeds which are \$9,767 per acre for the 11.006 acres at Lake Hodges and \$7,078 per acre for the 52.132 acres at San Vicente. (The appraisal amounts were rounded up.)

FISCAL IMPACT:

\$476,500 to be deposited in the Water Department Capital Outlay Fund 30246.

Herring/Griffith/JAB

FILE LOCATION: DEED F-9107

COUNCIL ACTION: (Tape location: F080-117.)

MOTION BY PETERS TO ADOPT. Second by Wear. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-202: Mission Bay Bacteria Source Identification Project Clean Beaches Initiative Grant.

(Mission Bay Park Community Area. Districts-2 and 6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-651) ADOPTED AS RESOLUTION 295748

Authorizing the City Manager to approve the grant application to the State Water Resource Control Board Clean Beaches, Proposition 13, Coastal Nonpoint Source Program for the Mission Bay Bacteria Source Identification project;

Authorizing the City Manager to take all necessary actions to secure funding;

Authorizing the City Manager to conduct all negotiations, execute and submit all documents, including but not limited to applications, amendments, payment requests, which may be necessary for the completion of the project;

Authorizing the City Manager to accept and expend monies, if grants are awarded;

Authorizing the City Auditor and Comptroller to establish an interest bearing account;

Authorizing the City Manager to hire staff to perform duties associated with the grant.

CITY MANAGER SUPPORTING INFORMATION:

In July 2001, the City of San Diego was designated to receive \$3 million for Mission Bay water quality projects as part of the Governor's Clean Beaches Initiative. Accordingly, the City intends to implement the Mission Bay Bacteria Source Identification project (a combination of the Source Identification Survey and Dry Weather Bacteriological Source Testing) with \$1.3 million in State grant funding. The project is supported by the Mayor's Clean Water Task Force and will support the Mayor's goal to reduce beach closure and posting days by 50% by 2004.

This project or study has two components, the source identification survey and the dry weather bacteria source testing. The project will focus on the chronic bacteriological problem locations around Mission Bay (Bonita Cove, Bahia Point, Crown Point, Northern Wildlife Preserve, Campland, De Anza Cove, Visitor's Center, Leisure Lagoon, North Pacific Passage, and Tecolote Creek). The project will include: bacteria testing, visual observations, DNA or RNA analyses and other chemical markers, and dye testing. This project will be coordinated with other projects on going in the area to include the Water Quality Study by Metropolitan Wastewater Department, Water and Sediment Testing by USD, Contaminant Dispersion Study by Scripps Institute of Oceanography, and Human Pathogenic Viruses and Epidemiology Combined Study by the Southern California Coastal Water Research Project (SCCWRP).

The City needs to submit a formal request to the State Water Resources Control Board for a grant contract under the Clean Beaches, Proposition 13, Coastal Nonpoint Source Program, which includes an adopted resolution authorizing the request.

FISCAL IMPACT:

No fiscal impact would be associated with approving the grant application. When the grant contract is approved, a total of \$1.3 million would be received from the State Water Resources Control Board for implementing this project. No City match is required. The five new positions in the Storm Water Pollution Prevention Program to implement this project will be paid by this grant.

Loveland/Anderson/RK

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F062-079.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-203: Marketing Partnership Agreement with Cardiac Science.

(See City Manager Report CMR-01-242.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-620) ADOPTED AS RESOLUTION R-295749

Authorizing the City Manager to execute a Marketing Partnership Agreement with Cardiac Science.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C173-456.)

MOTION BY MADAFFER TO ADOPT. Second by Maienschein. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-204: Agreement with Rick Engineering Company for Water Quality Improvements.

(University City, Clairemont Mesa, Linda Vista, Pacific Beach Community Areas. Districts-1, 2, 6 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-650) ADOPTED AS RESOLUTION R-295750

Authorizing the City Manager to execute an Agreement with Rick Engineering Company for professional engineering consultant services, for the Rose and Tecolote Creeks Water Quality Improvement Project;

Authorizing the expenditure of an amount not to exceed \$318,932 from CIP-32-050.0, Fund 38350.

CITY MANAGER SUPPORTING INFORMATION:

The City of San Diego's Storm Water Pollution Prevention Program received \$2,000,000 from the State for water quality improvements within the Rose and Tecolote Creeks watersheds.

The proposed project will be phased and will include services to provide Planning, Water Quality Monitoring (to be covered under a separate contract), Preliminary Engineering, Design and Environmental Permitting to implement Best Management Practices (BMP's) or structural controls (e.g., vegetated swales and strips, infiltration basins, wet ponds, constructed wetlands, filtration systems, etc.) that will address pollutants of concern within Rose and Tecolote Creeks watersheds.

Potential BMP's will be recommended and presented to the Natural Resources and Culture Committee. Based on direction received, the selected BMP's will be designed and constructed.

It is anticipated that construction of this project will be completed by summer 2004 with approximately three years of post-construction water quality monitoring, dependant on water quality analyses and the environmental process.

In accordance with Council Policy 300-7, the consultant selection process was used to interview the most qualified consultants. Five firms were interviewed and Rick Engineering Company was selected as the most qualified firm to provide the required professional services. Subconsultants include: MEC Analytical Systems (environmental permitting and CEQA documentation), Simon Wong Engineering (structural design), Howard Dye Associates (surveying), and Land Restoration Associates (biological resources). There will be 3% MBE participation with this agreement.

FISCAL IMPACT:

Funding for the engineering consultant costs in the amount of \$318,932 is available in CIP-32-050.0, Fund 38350, Rose & Tecolote Creeks Water Quality Improvement Project. The total project cost is currently \$2,000,000. However, an additional State grant of \$1,700,000 is anticipated for this project through the Clean Beaches Initiative.

Loveland/Anderson/MG

Aud. Cert. 2200521.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F062-079.)

MOTION BY FRYE TO ADOPT. Second by Atkins. Passed by the following vote:
Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea,
Inzunza-yea, Mayor Murphy-yea.

ITEM-205 Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

HEARING HELD; REFERRED TO CLOSED SESSION

- A. Property: An approximate 4.92 acre portion of the 38 acre San Diego Sports Arena site (APN 441-590-04)
- Agency Negotiator: Real Estate Assets Director
- Negotiating Parties: Arena Group 2000 as operator of the San Diego Sports Arena
- Under Negotiation: Terms of New Ground Lease Agreement for three (3) pad sites to be used by retail subtenants
- Property: 811 25th Street (APN 534-404-17)
- Agency Negotiator: Real Estate Assets Director
- Negotiating Parties: Greater Golden Hill Community Development Corporation
- Under Negotiation: Terms of disposition of property

Prior to Council discussion in Closed Session and in compliance with the Brown Act, (California Government Code Section 54956.8) these issues are listed on the docket only for public testimony.

There is no Council discussion of this item. The City Council's actions are:

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session on November 20, 2001.

NOTE: Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

Hearing began at 2:45 p.m. and halted at 3:05 p.m.

Testimony in opposition by Kathleen Blavatt.

Testimony in favor by Ron Hahn, Jim Flock, Jim Mattee, Joe Mannino and Ernie Hahn.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A450-B153.)

ITEM-206: The Gray Residence.

(Continued from the meetings of October 9, 2001, Item 332, and November 6, 2001, Item 331; last continued at the request of Council Member Atkins, to allow staff to make further findings.)

Matter of the City Council reconsidering the appeal by AT&T Wireless Services of the May 3, 2001 decision of denial by the Planning Commission for an application for a wireless communication facility consisting of six pole mounted panel antennas and associated electronic equipment on a .22 acre site located at 13003 Avenida Grande in the Rancho Penasquitos Community Planning Area.

(CUP-99-0464-54. Rancho Penasquitos Community Plan area. District-1.)

NOTE: The public portion of the hearing is closed. Testimony taken on 11/6/2001.

CITY MANAGER'S RECOMMENDATION:

Adopt the resolution in subitem A to grant the appeal and grant the permit; and adopt the resolution in subitem B:

Subitem-A: (R-2002-) ADOPTED AS RESOLUTION R-295751

Adoption of a Resolution granting or denying the appeal and granting or denying the Conditional Use Permit No. 99-0464-54, with appropriate findings to support Council action.

Subitem-B: (R-2002-) NOTED AND FILED

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration (END) LDR No. 99-0464-54 has been

completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.) as amended, and the State Guidelines thereto (California Administrative Code Section 15000 et seq.), and that said END reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in said report has been reviewed and considered by the Council pursuant to California Public Resources Code Section 21081;
and that based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment.

OTHER RECOMMENDATIONS:

Planning Commission on February 1, 2001, voted 6 - 0 to deny the project and approve the written CUP findings provided at this hearing with a revision to findings C and D to substitute the words "commercially zoned" with "non-residential zones," and approve certification of the negative declaration; no opposition.

Ayes: Steele, Anderson, Brown, Butler, Stryker, Garcia
Not present: Skorepa

The Rancho Penasquitos Planning Board on January 3, 2001, voted 13-0-0, to recommend denial of this project.

SUPPORTING INFORMATION:

The project proposes to install and operate a wireless telecommunication facility on a 0.22 acre site located at 13003 Avenida Grande. The Rancho Penasquitos Community Plan designates the site for low density residential land use. The property is zoned RS-1-7 which accommodates single family residential development. The property is developed with a single-family residence and is surrounded by similar single-family development to the north, east and west. The site is adjacent to Open Space to the south and overlooks State Route 15 to the southeast. The rear portion of the site is identified on City Zoning Maps as containing steep hillsides (formerly Hillside Review Overlay), however, analysis of the site has determined that the slopes are comprised of manmade cut/fill material created with the grading and development of the subdivision. These slopes contain no sensitive environmental resources.

The project proposes six, pole-mounted directional panel antennas on four sixteen foot high poles and an accessory equipment area. Two of the antenna poles are located within the side and rear yard setbacks of the property. The application was deemed complete by Development Services in December of 1999 therefore, the project is regulated pursuant to the previous Municipal Code in effect prior to January 1, 2000.

FISCAL IMPACT: None.

All costs associated with the processing of this application are paid for by the applicant.

Loveland/Christiansen/JPH

LEGAL DESCRIPTION:

The project site is located at 13003 Avenida Grande in the Rancho Penasquitos Community and is more particularly described as Lot 29, Penasquitos View Unit 1, of Map No. 6654.

Hearing began at 6:15 p.m. and halted at 6:25 p.m.

FILE LOCATION: Subitems A,B: PERM-99-0464-54(65)

COUNCIL ACTION: (Tape location: F043-061.)

MOTION BY PETERS TO ADOPT SUBITEM A TO DENY THE APPEAL AND DENY THE PERMIT AND TO NOTE AND FILE SUBITEM B. Second by Frye.
Passed by the following vote: Peters-yea, Wear-nay, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-yea.

ITEM-207: Reconsideration of Naval Training Center Master Planned Development/Coastal Development Permit No. 99-1076.

The City Council will hold a public hearing to reconsider its October 3, 2000, approval of Master Planned Development Permit (MPDP)/Coastal Development Permit (CDP) No. 99-1076 for redevelopment of the former Naval Training Center San Diego (NTC). The MPDP/CDP entitlements will implement the NTC Precise Plan and Local Coastal Program, as modified and certified by the

California Coastal Commission on September 11, 2001. The City Council may approve, conditionally approve, modify or deny the MPDP/CDP application.

The approximately 360-acre site is located along Rosecrans Street between Lytton Avenue and North Harbor Drive, and is west of San Diego International Airport (Lindbergh Field). The property is zoned CR-1-1, RT-1-4, RM-2-5, CV-1-1, OP-1-1 and CC-5-5, and is within the Peninsula Community Planning Area. (99-1076. Peninsula Community Plan Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions in subitems A and B:

Subitem-A: (R-2002-655) ADOPTED AS RESOLUTION R-295752

Adoption of a Resolution that the information contained in the final environmental document, including any comments received during the public review process, has been reviewed and considered by Council and it is determined that no substantial changes or new information of substantial importance within the meaning of CEQA Guideline section 15162 would warrant any additional environmental review in connection with the reconsideration and approval of Master Planned Development/Coastal Development Permit No. 99-1076 for the Naval Training Center project.

Subitem-B: (R-2002-) ADOPTED AS RESOLUTION R-295753

Adoption of a Resolution reconsidering and approving Master Planned Development/Coastal Development Permit No. 99-1076.

OTHER RECOMMENDATIONS:

1. Reconsider and approve Master Planned Development/Coastal Development Permit No. 99-1076 to implement the Coastal Commission certified Naval Training Center (NTC) Precise Plan/Local Coastal Program Land Use Plan.
2. State for the record that the final Mitigated Negative Declaration No. 99-1076 has been reviewed and considered prior to approving the project.

On September 7, 2000, the Peninsula Community Planning Board voted to recommend approval of the NTC project subject to conditions, which the City Council predominantly incorporated into the project on October 3, 2000. On November 8, 2001, the PCPB will hold a special meeting to discuss the proposed MPDP/CDP 99-1076. The results of the meeting will be reported under separate cover.

SUPPORTING INFORMATION:

BACKGROUND

The approximately 360-acre Naval Training Center is located along Rosecrans Street between Lytton Avenue and North Harbor Drive, west of San Diego International Airport (Lindbergh Field). In 1993, the Federal Base Closure and Realignment Commission recommended closure of NTC. The City of San Diego was designated the Local Redevelopment Authority responsible for the preparation of a reuse plan. On April 30, 1997, NTC ceased its military function and went into Navy "caretaker" status. On April 29, 1997, the City Council approved and adopted the NTC Redevelopment Project Area.

After a multi-year public planning effort, the NTC Reuse Plan was completed and adopted by the City Council in October 1998. The Reuse Plan organized future uses of the site into five categories: Residential, Educational, Historic Core/Mixed Use, Waterfront/Recreation, and Camp Nimitz. The Navy found the Reuse Plan adequate for transfer of ownership of the property to the City, and the majority of the site has been conveyed to the City. Only the boat channel (Parcels VII & II-B) remains in federal ownership. The boat channel is expected to be conveyed in the spring 2002.

In August 1998, the City issued a Request for Qualifications/Proposals for a master developer to implement the Reuse Plan. In June 1999, the Redevelopment Agency authorized the Executive Director to negotiate a Disposition and Development Agreement (DDA) with the McMillin Company. June 2000, the City Council and Redevelopment Agency approved the DDA with McMillin, establishing the financial terms and conditions under which McMillin would complete the redevelopment of NTC.

In December 1999, the Planning Commission initiated the preparation of a Precise Plan and Local Coastal Program (LCP) Land Use Plan for NTC. In September 2000, the Planning Commission voted 4-0 to recommend approval of the Precise Plan/LCP, zoning and affiliated development permits to City Council.

On October 3, 2000, the City Council approved the NTC Precise Plan/LCP, an amendment to the Peninsula Community Plan and the Progress Guide and General Plan, the application of zoning to the site, a Vesting Tentative Map (VTM), and Planned Development permits (PDP) including Urban Design Guidelines and Historic Design Guidelines.

On January 9, 2001, the Coastal Commission approved the demolition of approximately 2,083,260 square feet of existing buildings located outside the Historic District and the removal of underground utilities. On March 16, 2001, the Coastal Commission approved the City's request to commence soil preparation and recompaction and the relocation of an existing storm drain.

On June 12, 2001, City staff presented the NTC Precise Plan/LCP to the Coastal Commission for certification. The Commissioners voted to approve the NTC Plan with the inclusion of 28 modifications to add language that would emphasize view preservation and view corridor creation as a priority, enhance visitor-serving uses and public access; place height limits in the residential and office areas to be compatible with the character of the surrounding area; and define water quality standards. In addition, modifications were made to permitted uses in three areas of the development: the Mixed Use Area, Navy Building 623 in the Visitor Hotel Area, and the four officers' quarters located on Rosecrans Street in the Historic District.

On July 17, 2001, the City Council approved the modifications suggested by the Commission. The Coastal Commission took final action to approve the NTC Precise Plan/LCP on September 11, 2001, and the City of San Diego permit issuing authority for qualifying portions of the property became effective on September 17, 2001. On October 15, 2001, the City Council voted to reconsider the Master Planned Development/Coastal Development Permit No. 99-1076 in order to ensure these development permits appropriately implement the certified NTC Precise Plan/LCP.

DISCUSSION

The NTC Precise Plan and Local Coastal Program (LCP) implements the NTC Reuse Plan adopted by the City Council in 1998, providing additional landscape, urban design, transportation, and zoning information to further refine the Reuse Plan and promote a pedestrian-oriented mixed-use development that preserves the historical integrity of NTC.

As the governing policy document for the site, the NTC Precise Plan/LCP provides the framework for implementation of the project and establishes standards for development of the site.

The Master Planned Development (MPDP)/Coastal Development (CDP) Permit includes conditions for development and operation of the site, including detailed guidelines for new construction in the housing and office/R&D areas.

The Permit includes by reference the NTC Urban Design Guidelines, which provides architectural and site design guidelines for development of the site outside the NTC Historic District. Additionally, the NTC Guidelines for the Treatment of Historic Properties, approved by the Historic Resource Board on June 22, 2000, has been prepared to establish criteria for treating historic resources within the NTC Historic District, including design aid in determining acceptable alterations, additions, and repairs for preserving the character of the Historic District.

The City Council action on October 3, 2000, to approve the NTC Project, including the subject MPDP/CDP No. 99-1076, was based upon findings of conformance of the project to the version of the NTC Precise Plan/LCP proposed at that time. As the NTC Precise Plan/LCP has undergone modifications through the Coastal Commission certification process as outlined above, staff has reviewed the project to ensure conformance of the implementing permits with the modified Precise Plan/LCP and has incorporated additional permit conditions where appropriate.

Specifically, the MPDP/CDP No. 99-1076 incorporates new implementing permit conditions regarding use restrictions within the Visitor and Community Emphasis Overlay (VCEO), use and availability of Building No. 623, use of Navy Buildings A, B, C and D (4 historic officers' quarters), and operation of the golf course. Additionally, staff has reviewed the project relative to policy modifications adopted regarding building heights within the new residential and office/research and development areas; the provision and protection of view corridors; the provision and management of adequate parking areas and transit; pedestrian orientation and public access to the boat channel; neighborhood compatibility and improvements to existing building No. 94; and the limitation of uses in biologically sensitive areas. Conditions of project approval have been incorporated into the MPDP/CDP as necessary to implement policy direction in these areas. With the exception of facade enhancements required for Building No. 94, the physical design of the project has not changed.

The project has been reviewed against added protections which were incorporated into the policy documents to ensure permanent preservation of public view corridors and has been determined to be in conformance with the modifications. The designs of the new residential and commercial buildings to be constructed at the site, parking plan and associated landscaping designs for the project, including the promenade, have been re-evaluated against the added policy requirements

and did not require any modifications. These designs remain in conformance with the certified NTC Precise Plan/LCP.

FISCAL IMPACT: None with this action.

The Master Developer pays for all costs associated with processing this project.

LEGAL DESCRIPTION:

The project site is situated on the northern edge of San Diego Bay, just east of the Loma Portal neighborhood and west of Lindbergh Field, within the Peninsula Community Plan area and is more particularly described as parcels 1-7, 9-14, 18 & 19 of R.O.S. 16556.

Hearing began at 4:20 p.m. and recessed at 5:10 p.m.

Hearing resumed at 5:20 p.m. and halted at 6:14 p.m.

Testimony in opposition by John McNob, Hugh Story, Marilyn Story, Cynthia Conger, Melinda Resende, Maggie Valentine, Mignon Scherer, Yvonne Lewis, James Walterstedt, Jarvis Ross, Bert Decke, Ron Boshun, and Kathleen Blavatt.

Testimony in favor by Walter Heiberg, Mark Steele, Corky McMillin, Murray Gallinson, Nancy Nygren, Diana Alexander, and Wayne Raffesberger.

FILE LOCATION: Progress Guide and general Plan - land use (09)

COUNCIL ACTION: (Tape location: C457-F042.)

MOTION BY WEAR TO ADOPT WITH THE FOLLOWING DIRECTION:
TO APPROVE THE MANAGER'S RECOMMENDATION AS AMENDED BY THE
DEVELOPMENT SERVICES DEPARTMENT MEMORANDUM TO THE MAYOR
AND COUNCIL DATED NOVEMBER 16, 2001 TO:

RECONSIDER AND APPROVE MASTER-PLANNED DEVELOPMENT
PERMIT/COASTAL DEVELOPMENT PERMIT NO. 99-1076 TO IMPLEMENT THE
COASTAL COMMISSION CERTIFIED NAVAL TRAINING CENTER (NTC)
PRECISE PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN AND STATE
FOR THE RECORD THAT THE FINAL MITIGATED NEGATIVE DECLARATION

NO. 99-1076 HAS BEEN REVIEWED AND CONSIDERED PRIOR TO APPROVING THE PROJECT, AND INCLUDE THE REVISIONS TO THE CONDITIONS OF APPROVAL OF MPDP/CDP NO. 99-1076 AS SHOWN ON THE DEVELOPMENT SERVICE DEPARTMENT MEMORANDUM TO THE MAYOR AND COUNCIL DATED NOVEMBER 16, 2001 TO ACCOMPLISH THE FOLLOWING:

- A) PROVIDE FOR REVIEW AND COMMENT BY THE PENINSULA COMMUNITY PLANNING BOARD OF THE CITY PLANNING DIRECTOR'S GUIDELINES FOR THE COMMUNITY USE OF BUILDING #623 (REVISED CONDITION NO. 26);
- B) PROVIDE FOR REVIEW AND COMMENT BY THE PENINSULA COMMUNITY PLANNING BOARD OF THE WINDOW PLAN FOR BUILDING #94 BEFORE THE ISSUANCE OF A BUILDING PERMIT (REVISED CONDITION NO. 27);
- C) ENCOURAGE MORE BICYCLE STORAGE FACILITIES THROUGHOUT THE PROJECT (REVISED CONDITION NO. 30);
- D) INCLUDE THE SIGN CRITERIA IN THE PENINSULA COMMUNITY PLAN (REVISED CONDITION NO. 34);
- E) INCLUDE IMPLEMENTATION OF THE LANGUAGE IN THE CITY COUNCIL RESOLUTION APPROVING THE PRECISE PLAN, WHICH REQUIRES INVESTIGATION INTO THE POSSIBILITY OF REDUCING OR ELIMINATING PARKING AROUND THE WATER'S EDGE AT SHORELINE PLAZA (REVISED CONDITION NO. 15.N).
- F) DIRECT THE CITY MANAGER TO WORK WITH MCMILLIN AND THE NTC FOUNDATION IN A PARTNERSHIP THAT ESTABLISHES GUIDELINES TO RESOLVE ISSUES REGARDING THE PROMENADE. SUCH GUIDELINES WILL COORDINATE THE USES OF THE SPACE IN A MANNER THAT IS SENSITIVE TO THE SPECIAL NEEDS OF THE FOUNDATION. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review. Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals from members of the public referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material

Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk
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If you have any questions, please contact the Office of the City Clerk, at 533-4025.

ITEM-251: ARGUMENTS SUPPORTING OR OPPOSING PROPOSITIONS

For propositions approved by the City Council for submittal to the qualified voters of the City of San Diego at the Municipal Primary Election to be held on Tuesday, March 5, 2002 the City Clerk has fixed 5:00 p.m. on Thursday, December 20, 2001, as a reasonable date prior to such election after which no arguments for or against City propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or an individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this Statement are available in the Office of the City Clerk.)

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-252: Notice of Pending Final Map Approval.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled Parkcrest, TM-40-1011, a copy of which is available for public viewing at the office of the San Diego City Clerk. Said project is located in the Greater North Park Community Plan Area in Council District 3. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

* ITEM-S400: Appointment of the Ethics Commission Executive Director.

(See Dorothy Leonard's letter dated 10/22/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-681) ADOPTED AS RESOLUTION R-295754

Confirming the appointment of Charles B. Walker to serve as Executive Director of the Ethics Commission.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 11/7/2001, RULES voted 5-0 to confirm Charles B. Walker to be the first Executive Director of the Ethics Commission. (Councilmembers Wear, Atkins, Stevens, Madaffer and Mayor Murphy voted yea.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317; A382-449)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S401: Martha Stewart Day.

COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-649) ADOPTED AS RESOLUTION R-295755

Recognizing November 19, 2001 as "Martha Stewart Day" for Martha Stewart's outstanding service, commitment and significant contributions to the City of San Diego.

SUPPORTING INFORMATION:

Martha Stewart is everywhere from television to radio, news stands to the Web. For ten years "Martha" as she is known across the country, has combined her business instincts and her love of

teaching to build an information-based company that creates original ideas for the home as well as high-quality home products that reflect her own lifestyle. When America wants to roast a perfect turkey, plant a colorful flower garden, create an elegant table setting, or make a beautiful bed, America turns to Martha and Martha Stewart Living Omnimedia. For nearly two decades, Martha Stewart's passion for creative and useful ideas, and her constant encouragement to take pride in everyday living, have made her America's most trusted guide to living with style. She has received numerous awards from Vanity Fair, Forbes Magazine, Fortune Magazine, New York's 100 Most Influential Women in Business, Time Magazine, 7 daytime Emmy Awards and many more. Homemaker, teacher, entrepreneur, chairman of the board, icon- Martha Stewart has influenced the American home more than any other woman in living memory. Therefore, proclaiming November 19, 2001 as "Martha Stewart Day."

Balolong

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A214-317.)

CONSENT MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

* ITEM-S402: Parcel Map and Building Restricted Easement Abandonment.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-684) ADOPTED AS RESOLUTION R-295756

Approving the Parcel Map I.D. No. 99-724.

CITY MANAGER SUPPORTING INFORMATION:

This parcel map is a lot line adjustment map of a 2.756 acre site adjusting the lot lines for four parcels, one for open space purposes and three for residential development. It is located on the east side of Breckenridge Drive, northwesterly of Scripps Ranch Blvd. and Spring Canyon Road in the Miramar Ranch North Community Plan area. This map requires City Council approval because a portion of a building restricted easement is being abandoned on the map. The existing building restricted easement was granted at no cost to the City of San Diego per Map No. 14067 and is no longer necessary because the design of the proposed development does not require it. There are no new public improvements required in connection with this map. Staff has determined that the project is consistent with all previously approved permits. This project consisting of 4 parcels is a lot line adjustment map and as such is not expected to generate any new average daily trips on the roadway system. Therefore, a project traffic information sheet is not provided. There are no park fees required in connection with this project.

FISCAL IMPACT:

None.

Loveland/Haase/GRB

FILE LOCATION: SUBD-Parcel Map No. 99-724(40)

COUNCIL ACTION: (Tape location: A214-317.)

MOTION BY WEAR TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET ITEMS:

NONE.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:42 p.m. in honor of the memory of:

Stanley Foster as requested by Council Member Peters; Joseph Judge as requested by Council Member Atkins; Edward Wager as requested by Council Member Frye; Chester Wheeler as requested by Council Member Madaffer and Maria Geraldo as requested by Council Member Inzunza.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: C482).